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13 CATERPILLAR INC.

9 UNITED STATE DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 San Jose Division

12 KENNETH ORNDORF,

13 Plaintiff,

14 v.

15 CATERPILLAR INC., a Delaware
16 Corporation and DOES 1 through 50,
17 inclusive,

Defendants.

Case No. 5:08-cv-01276-PVT


**CATERPILLAR'S DECLINATION
TO PROCEED BEFORE
MAGISTRATE JUDGE AND
REQUEST FOR REASSIGNMENT TO
UNITED STATES DISTRICT JUDGE
PURSUANT TO CIVIL LOCAL RULE
73-1(a)(1)**

18 Defendant Caterpillar Inc. hereby declines to consent to the assignment of
19 this case to a U.S. Magistrate Judge for trial and disposition, and hereby requests
20 reassignment of this action to a United States District Judge pursuant to Civil
21 Local Rule 73-1(a)(1).

22 DATED: March 24, 2008

SEDGWICK DETERT MORAN & ARNOLD LLP

23
24 By:


25 Elliott D. Olson
26 Frederic F. Grannis
27 Jeffrey H. Ikejiri
28 Attorneys for Defendant
CATERPILLAR INC.

PROOF OF SERVICE

STATE OF CALIFORNIA)
) SS:
 COUNTY OF LOS ANGELES)

I am a resident of the State of California, over the age of eighteen years, am not a party to the within action, and am making this service at the instruction of an attorney admitted to practice before this court. My business address is Sedgwick Detert Moran & Arnold LLP, 801 South Figueroa Street, 19th Floor, Los Angeles, California (90017-5556).

On March 24, 2008, I served the document(s) entitled *Caterpillar's Declination to Proceed Before Magistrate Judge and Request for Reassignment to United States District Judge Pursuant to Civil Local Rule 73-1(a)(1)* on interested parties by placing true copies thereof in a sealed envelope addressed as follows:

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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

EXECUTED on March 24, 2008, at Los Angeles, California.

I DECLARE under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


 Linda Marks